

U.S. Patent Application No. 10/535,130  
Attorney Docket No. 10191/3691  
Reply to Office Action of July 25, 2007

**Amendments to the Drawings:**

The accompanying Replacement Sheets for Figures 1 to 3 include non-handwritten reference numerals. No new matter has been added, and the Replacement Sheets are supported by the present application, including the specification. Entry and approval is respectfully requested.

Attachments: 2 Replacement Sheets.

### **REMARKS**

Claims 11 to 20 are now pending and being considered.

Reconsideration is respectfully requested based on the following.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received from the International Bureau.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO 1449 paper and cited references.

The drawings were objected to and have been amended. Although not required, non-handwritten reference numerals have replaced the handwritten reference numerals. Labels have also been added. No new matter has been added, and the Replacement Sheets are supported by the present application, including the specification. Entry and approval of the Replacement Sheets is respectfully requested, as is withdrawal of the drawing objections.

Claims 11 to 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application 2002/0011925 ("Hahn").

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine the reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). The prior art must suggest combining the features in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296; In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 11 includes the feature of "the at least one object being situated in a vicinity of the motor vehicle," in which the "at least **one optical warning is generated at least prior to the at least one object becoming visible to the driver.**" The reference does not in any way

support the Office Action's assertion that a displayed symbol lying below a conscious and above an unconscious perception threshold of the operator (as referred to in the "Hahn" reference) suggests the claim feature.

The "Hahn" reference clearly states that "the physiology of perception show that the attention of the human being can be guided by short, hardly perceivable changes in contrast." Paragraph 5. Thus, a symbol displayed for a duration lying below a conscious perception threshold of the operator will never be consciously perceived by the operator, but will draw the operator's attention to the symbol's display location. If an object is not visible at the symbol's display location, the operator will become confused because the operator did not consciously perceive the symbol, and is now staring at an empty spot. Thus, "Hahn" does not disclose the above feature, as provided for in the context of the claimed subject matter—since the reference specifically teaches away from the claim feature.

Claims 12 to 17 depend from claim 11 and are therefore allowable for at least the same reasons as claim 11.

Claim 18 includes features similar to those of claim 11, and is therefore allowable for at least similar reasons as claim 11.

Claims 19 and 20 depend from claim 18 and are therefore allowable for at least the same reasons as claim 18.

In summary, all of pending claims 11 to 20 are allowable.

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**CONCLUSION**

In view of the foregoing, all pending claims 11 to 20 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,  
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